

**PRIVACY POLICY**  
**OF**  
**KORO CREEK HOME OWNERS ASSOCIATION NPC**

**Prepared in accordance with the provisions of the Protection of  
Personal Information Act, no 4 of 2013**

## **INTRODUCTION**

The Protection of Personal Information (“POPI”) Act emanates from Section 14 of the Constitution of the Republic of South Africa, 1996, which section provides that everyone has the right to privacy, and it includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

The POPI Act has been promulgated to regulate, in harmony with the international standards, the processing of personal information by public and private bodies in a manner that gives effect to the right to privacy, subject to justifiable limitations that are aimed at protecting other rights and important interests.

Koro Creek Home Owners Association NPC (“Koro Creek”) is committed to protecting your privacy and the confidentiality of any personal information that you provide to us.

The purpose of this policy is to inform our members about the type of personal information Koro Creek collects and the ways in which it is collected, used, shared, protected and stored. By accessing Koro Creek’s website and subsequently providing information, or when you provide us with your personal information directly, you indicate your acceptance of this policy.

Koro Creek reserves the right to change this policy from time to time.

### **1. What is personal information**

The POPI Act defines personal information as “information relating to an identifiable, living, natural person and where it is applicable, an identifiable, existing juristic person”. Examples of personal information include, but are not limited to, names, addresses, contact numbers, email addresses, demographic information and financial information.

### **2. Scope of our Privacy Policy**

- To disclose how and when we obtain information for a specific purpose.
- To ensure that the information is relevant and up to date.
- To have reasonable security measures in place to protect the information.
- To only keep the necessary information and delete information no longer required.
- To allow you to obtain or view your information on request and update it.

### **3. How we obtain personal information**

3.1 We obtain and process your personal information based on information received from the Deed’s Office Registry, transfer attorneys, auditors, trustees and directors, our website, mandates signed with us, information provided to us contractually and by you.

3.2 The POPI Act provides that personal information must be collected:

3.2.1 Directly from you

3.2.2 From a public record

3.2.3 From another source, where the collection of the information will not prejudice your legitimate interests

3.2.4 From another source where the collection of the information is necessary:

- To comply with an obligation imposed by law or
- To maintain our legitimate interests or the legitimate interests of a third party to whom the information is supplied.

- 3.3 Similar principles apply to the use by us or the disclosure to a third party of personal information which we have obtained.

#### **4. How we use cookies**

- 4.1 A cookie is a small file that is placed on your computer's hard drive. Once the file is added, the cookie in question helps to analyse web traffic or tracks when you visit a particular site.
- 4.2 Cookies allow web applications to respond to you as an individual. The web application can, as a result of the cookies, tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.
- 4.3 We use traffic cookies to identify which pages are being accessed. This helps us analyse data about the web page traffic and improve our website in order to tailor it to our client's needs. The information is only used for statistical purposes and then the data is removed from the system.
- 4.4 Overall, cookies help us provide you with a better website and browsing experience by enabling us to monitor which pages you find useful and which you do not. A cookie does not give us access to your computer or any information about you, other than the data you choose to share with us.
- 4.5 Most web browsers automatically accept cookies, but you can usually modify your browser settings to decline cookies if you prefer.
- 4.6 Please be advised however, that denying access to cookies may prevent you from taking full advantage of the website.

#### **5. How we use your information**

- 5.1 We need to collect and use personal and other information in order to enable us to:
- 5.1.1 Respond to your enquiry.
  - 5.1.2 Provide services as contracted.
  - 5.1.3 Provide access to our website.
  - 5.1.4 Comply with legal requirements or industry codes.
  - 5.1.5 Proceed with debt collection.
  - 5.1.6 Provide and distribute monthly statements.
  - 5.1.7 Communicate with you and inform you of new services and offerings.
  - 5.1.8 Ensure that our business offering meets your requirements.
  - 5.1.9 Make payments.

#### **6. Disclosure of information**

- 6.1 We may disclose your personal information to third parties on the following basis:
- 6.1.1 Where we have your consent; or
  - 6.1.2 Where we are required to do so by law; or

- 6.1.3 To our panel of attorneys who are involved in legal collection matters effectively caused by your arrear levies or rent or other breach; or
  - 6.1.4 To service providers who are involved in the delivery of services to you or the Association, where required by them to perform a service; or
  - 6.1.5 To fellow members of the Association, where applicable or required for the smooth functioning of the Estate; or
  - 6.1.6 Where required to protect your legitimate interests.
  - 6.1.7 When necessary for pursuing our legitimate interests or the legitimate interests of a third party to whom the information is supplied.
- 6.2 Whenever we appoint third parties to provide support services to us, we will, where reasonably practical, bind them to our Privacy Policy, when they require us to provide them with your personal information to perform such services.
- 6.3 We, as Koro Creek, will require the following third parties:
- Contractors on our approved contractors list
  - Koro Creek Financial Services Insurance Brokers
  - Contractors used by Koro Creek Financial Services for insurance matters
  - Panel Attorneys
  - Panel Auditors

to sign a declaration confirming that they will apply the same principles as set out in our Privacy Policy and the same required due care and diligence in protecting your personal information. This declaration which they sign, ensures that they acknowledge their obligation to similarly protect the privacy and regulate their use of your personal information.

- 6.4 We advise our members, where reasonably possible, to ensure that similar third-party declarations are signed where service providers are appointed, who are not part of the group of service providers referred to above.
- 6.5 Our website may contain links to other websites of interest or value. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content, or the security or privacy practises employed by other sites. We recommend that you always read the privacy and security statements on such sites.

## **7. Information security**

- 7.1 Koro Creek will apply the necessary due care and diligence to secure the content of the Koro Creek Website and the information provided by and collected from users, and to preserve the privacy of your information. Koro Creek undertakes to review security controls and related processes to ensure that your personal information remains secure.
- 7.2 In the event of your information being shared with third parties as provided for in paragraph 6 hereof, please bear in mind that Koro Creek will not have any control over your personal information once its shared and will not be able to take responsibility for the security of that information thereafter. Please also bear in mind that no data transmitted over the internet, or information stored on a server which is accessible through the internet, can be guaranteed or fully secure.

7.3 We will not sell or lease your information to any third parties unless we have your permission to do so. We will not distribute your personal information to any third parties unless we have your permission to do so or are required to do so in order to:

- Perform our contractual obligations.
- Protect your legitimate interests, or
- Comply with one or more laws.

## **8. Correction of your personal information**

8.1 You may request us to:

8.1.1 Correct or delete personal information in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

8.1.2 Destroy or delete personal information about you that we are no longer authorised to retain in terms of Section 14. Section 14 provides that we may retain your personal information where it is required by law, or for the performance of our functions or activities, or to comply with our contractual requirements.

8.2 If you believe that any of your information in our possession is incorrect, incomplete or should be deleted, please email the completed:

- objection to the processing of personal information form, attached as Form 1, or
- deletion of personal information form, attached as Form 2

to us at and we will correct, update or delete the information, where required.

8.3 Your personal information will be destroyed once it is no longer necessary for achieving the purpose for which it was collected, provided that it is not required to be retained in terms of our contractual obligations or by law.



Signed at.....this.....Day of.....20.....

.....  
Signature of data subject / designated person

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**FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELEGATION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 3]

*Note:*

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached
2. If the space provided for in the Form is inadequate, submit information as an Annexure to this Form and sign each page
3. Complete as is applicable

Mark the appropriate box with an "X"

**Request for:**

Correction  or deletion of the personal information about the data subject which is in possession  or under the control of the responsible party

Destroying  or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information

**A**

**DETAILS OF DATA SUBJECT**

Name(s) and surname / registered name of data subject:

Unique Identifier / Identity Number:

Residential, postal or business address:

Code ( )

Contact number(s):

Fax number / E-Mail address:

**B**

**DETAILS OF RESPONSIBLE PARTY**

Name(s) and surname / Registered name of responsible party:

Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number / E-Mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED</b>
<b>D</b>	<b>REASONS FOR CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or REASONS FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORTISED TO RETAIN</b> <i>(Please provide detailed reasons for the request)</i>
Signed at.....this.....Day of.....20.....	
.....	
Signature of data subject / designated person	